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December 22, 2011

VIA ECF

Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Scott Fappiano, Case No. 11-CR-30 (KAM)

Dear Judge Matsumoto:

We represent Scott Fappiano in the referenced matter, and write in anticipation of his January 20, 2012 sentencing hearing as well as the filing of his sentencing submission on December 22, 2011.

Earlier this week this Court granted us permission to file a confidential psychological evaluation of Mr. Fappiano that will be submitted in connection with his sentencing submission under seal. Consistent with the spirit of that order and for the same reasons (that is, the psychological evaluation contains personal and private information concerning Mr. Fappiano's background and psychological makeup that we respectfully submit should be handled with discretion and kept confidential so as to protect and preserve Mr. Fappiano's privacy), we write today to respectfully request permission to file a redacted version of Mr. Fappiano's sentencing submission via ECF, in which information from that confidential psychological evaluation in the sentencing submission is redacted.

I have consulted with Assistant United States Attorney Elizabeth Geddes, who advised me that the government has no objection to this application.

Thank you for your consideration and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "HARLAN J. PROTASS".

Harlan J. Protass

cc: Elizabeth Geddes, Esq. (via ECF)
Allon Lifshitz, Esq. (via ECF)
Assistant United States Attorneys